

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

ROBERT F. KENNEDY, JR. ET AL.,

**CASE NO. 23-cv-0381 (CONSOLIDATED)
CIVIL ACTION NO. 22-cv-01213 (LEAD)**

v.

JOSEPH R. BIDEN, ET AL.,

Declaration of Mary S. Holland

I, Mary S. Holland, declare as follows:

1. I am an adult of sound mind and make this statement voluntarily, based upon my knowledge, education, and experience.
2. I am currently Chief Executive Officer, and formerly General Counsel, of Children's Health Defense ("CHD"), which is a named plaintiff in this action and is a prominent health news and advocacy organization with a nationwide-membership of over 70,000 members. I am a member of the New York Bar since 1990, and record counsel in several litigations commenced during my time as CHD's General Counsel. This declaration is made in support of the *Kennedy* Plaintiffs' Motion for Third-Party Platform Discovery. If called as a witness, I could and would testify competently to the facts herein, except as to those matters stated on information and belief.
3. Since its founding in 2015 as a not-for-profit 26 U.S.C. § 501(c)(3) membership organization, CHD had been dedicated to informing the public about, and fighting against the most urgent systemic threats to children's health. CHD adheres to the highest standards of accuracy and scientific expertise in all of our news reporting, supporting every claim we publish

online with links to scientific studies or government databases, and employing a board of eminent scientific advisors to ensure accuracy.

4. On information and belief, commencing early in 2019, both Facebook and YouTube, in self-described “partnership” with the Centers for Disease Control and Prevention’s (“CDC”) “Vaccinate with Confidence” campaign, and the State Department’s implementation of President Obama’s Executive Order 13747 (the “Global Health Security Agenda”), undertook a aggressive campaign of adverse actions against CHD’s pages and accounts on both platforms.

5. In or around January, 2016, shortly after incorporation, CHD opened accounts with Google and YouTube, receiving advertising credits for non-profits from Google, and monetization of its videos on YouTube. After more than three years of non-interference, and following updates to its Terms of Service and Community Guidelines, YouTube issued at least three strikes to CHD for “harmful” or “offensive” videos, in November 2019, January 2020, and January 2021. On information and belief, CHD’s website and content have been shadow-banned, (i.e., demoted in its search results), by Google and YouTube, since as early as 2020.

6. Beginning in early 2019, Facebook downgraded CHD’s page and account through a series of escalating actions, which included demonetization, warning labels, fact-checks, shadow-banning and content demotions of our posts, as well as “unfollow CHD” messages to third-party users, and prohibitions against such users being able to repost CHD content elsewhere.

7. During the COVID pandemic, CHD’s weekly electronic newsletter, “The Defender,” became an important sources of news about COVID and the COVID vaccines for hundreds of thousands of people. CHD is a publisher of online news concerning a variety of subjects including COVID’s lab-leak origin, the comparative benefits of early treatment and natural

immunity, and the risks or inefficacy of COVID-19 vaccines mandated under emergency use authorizations.

8. On August 17, 2021, Meta Platforms, Inc. permanently terminated CHD's account and removed its page from being searchable or accessible online. CHD continues to be removed from Facebook through the present day.

9. On or about September 29, 2021, YouTube permanently terminated CHD's account (which had 47,000 followers at that time), and removed CHD's archived videos. On October 8, 2021, CHD received a cancellation message from YouTube, and CHD continues to be removed from YouTube through the present day.

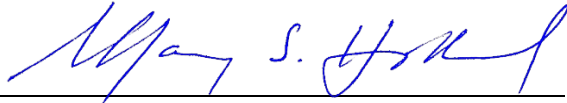
10. This Court's opinion in *Missouri v. Biden*, No. 3:22-CV-01213, 2023 U.S. Dist. LEXIS 114585 (W.D. La., July 4, 2023) is replete with findings of fact that implicate Google/YouTube in the federal censorship enterprise, including: (A) In October 2020, Google de-boosted the search results for the Great Barrington Declaration so that when users searched for "Great Barrington Declaration" ("GBD") on Google's search engine, they were instead diverted to articles critical of the GBD, rather than to the GBD itself. The Court notes "YouTube updated its terms of service regarding medical 'misinformation,' to prohibit content about vaccines that contradicted consensus from health authorities. Because the GBD went against a consensus from health authorities, its content was removed from YouTube." *Id.* at *73. (B) On October 30, 2020, a NIAID staffer wrote an email connecting Google/YouTube with Jennifer Routh (Fauci communications staff) "so that NIAID and the 'Google team' could connect on vaccine communications - specifically misinformation." (C) As of March 2021, regular (bi-weekly) meetings were held with CDC in which CDC officials flagged particular COVID-19 content as "false" for Google/YouTube, *id.* at ** 61-63; (D) As of April 2021, regular (bi-weekly)

meetings were held with White House officials about vaccine “misinformation” trends on YouTube, and ways they could “partner” in product work, *id.* at **26-27; (E) Concern over misinformation on YouTube was “shared at the highest (and I mean highest) levels of the White House,” and focused on YouTube’s efforts to reduce “vaccine hesitant” content, *id.*; (F) OSG (Waldo) did multiple pre-rollout calls with Google/YouTube before the SG’s health advisory on misinformation was published on July 15, 2021. *Id.* at **38, 42-45; and (G) YouTube adopted a new policy on combating COVID-19 misinformation and began providing federal officials with updates on its effects. *Id.* at **44-45.

11. There would seem to be an obvious “fit” or connection between the increasing government pressure on YouTube to censor disfavored material that occurred, as noted above, in late 2020 and throughout 2021, and the “strikes” issued against CHD from late 2019 through mid 2021, and the intensified “shadowbanning” of CHD by Google and YouTube – all of which culminated in YouTube’s deplatforming of CHD in September 2021, its removal of CHD’s archived videos, and its delivery of a cancellation message to CHD in October 2021. As noted elsewhere, CHD and its founder, Mr. Kennedy, Jr., were mentioned by name in communications between federal officials and social media platforms during this period.

12. The same is true in terms of the obvious “fit” or connection between the dates and nature of Meta Platforms, Inc.’s targeting of CHD, and Meta’s active and continuing participation in the federal-platform censorship enterprise. CHD continues to suffer grave First Amendment injury to its right to gather and publish health-related news and commentary in that CHD cannot post any content whatsoever to Facebook or to YouTube, and CHD is artificially downgraded or demoted in Google search engine results.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and that this declaration was executed in Spring Valley, New York, on April 24, 2024.



MARY S. HOLLAND